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CENTRAL FAX CENTER**Serial No.: 09/712,887
Art Unit: 2155

Customer No. 24498 JUN 19 2007

Remarks/Arguments

The Office Action mailed December 19, 2007 has been reviewed and carefully considered.

Claims 2, 3 and 22-25 have been canceled without prejudice.

Claim 13 has been amended. Support for the amendment reciting the elements of authorizing broadcasters is found in the specification on page 10, lines 8 to 33, and in other places.

Claim 26 is added to claim the operation of permits or preventing a broadcaster from having a program stream being broadcast to a multiple of users (validation routine). Support for this claim element is found in the specification, on page 10, lines 8 to 33, Figs. 4 and 5, and in other places in the specification.

Claims 4-16 and 26 are pending in this application.

Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claim objections:

Claims 13 and 25 have been objected to for containing grammatically incorrect language. The amendments to claim 13 have made the claim

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grammatically correct. Reconsideration and withdrawal of the objection is respectfully requested.

Claim rejections

Claims 2-25 and 22-25 stand rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement. Claim 13 has been amended and claims 22-25 have been canceled from the application. The amendments to claim 13 are believed to overcome this rejection. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 13, 14, 22-25 and 25 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Claims 13 and 14 have been amended and are believed to comply with §112, second paragraph. Claims 22-25 have been canceled. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 2, 3, 7, 8, 12, 13, 16, 22-24 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over USP 5,778,187 to Monteiro et al. in view of USP 6,498,897 to Nelson et al. Claims 2, 3 and 22-25 have been canceled. Claim 13 recites, inter alia, the scheduler being configured to receive and pre-cache advertisements from multiple sources to provide candidate advertisements for selection.... Contrary to the Examiner's assertion, Monteiro neither discloses nor suggests this feature of the claim invention. Specifically, Monteiro, at col 4, lines 43-54 and col 1, lines 11-15, cited by the Examiner, there is a discussion of

Serial No.: 09/712,887
Art Unit: 2155

Customer No. 24498

a production workstation used to manipulate audio samples, and the delivery of these samples as being either live and/or played back at a later time. Yet, this disclosure does not suggest or disclose the receiving and pre-caching of advertisements from multiple sources to provide candidate advertisements for selection.

In view of Monteiro's failure to disclose or suggest this feature of applicant's claimed invention, the combination of Monteiro with the teachings of Nelson also fail to render the present invention obvious. Reconsideration and withdrawal of the rejection and early allowance on the merits is solicited.

Claims 4-6 and 9-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over USP 5,778,187 to Monteiro et al. in view of USP 6,498,897 to Nelson et al. in further view of U.S. Patent Application Publication 2001/0023436. Claims 4-6 and 9-11 all depend from claim 13. As such, for at least the reasons cited above, these dependent claims are believed to be allowable.

Claims 14 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over USP 5,778,187 to Monteiro et al. in view of USP 6,498,897 to Nelson et al. in further view of USP 5,734,589 to Kostreski et al.

Specifically, the Examiner rejects claim 14 as being taught by the principles of Kostreski (in combination with Monteiro and Kostreski), by reciting to the section of the reference that discloses the following:

Serial No.: 09/712,887
Art Unit: 2155

Customer No. 24498

"The server of the video manager 417 may keep a database of video information providers authorized to broadcast, for example, to determine what VIP data should be edited," (Kostreski, col. 26, lines 43-45).

In such, this recitation in Kostreski (in view of Monteiro and Nelson) does not disclose how such an operation is done directly, but utilizing the other teachings in the reference in view of the other references in the Examiner's combination, the operation of Kostreski would suggest that the use of a program map that is mapped to a particular RF frequency and PID is used for identifying a particular broadcaster. That is, the program map in Kostreski maps an RF frequency and the PID headers broadcasted over that frequency to a particular broadcaster (see Fig. 5 and the related description in Kostreski).

This is different than what is disclosed in claim 14 where a "broadcaster ID" is used for determining whether a broadcaster is authorized to be transmitted over the present invention. That is, a broadcaster ID is an ID that is transmitted by a broadcaster which is not dependent on a particular broadcast frequency and PID header. That is, it is a piece of metadata that is not determined in view of a channel map and a particular broadcast frequency. Hence, by transmitting a broadcaster ID, a broadcaster could theoretically be broadcasted over any RF frequency and make use of any PID arrangement (unlike what is disclosed in Kostreski) because such information is irrelevant for the purposes of Claim 14. The determining factor for claim 14 is the broadcast ID broadcasted by a broadcast source which would exist independently of a particular RF channel or

**RECEIVED
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Art Unit: 2155

Customer No. 24498

PID header. This is different than what is disclosed or suggested in the Examiner's recited combination.

Therefore, for the reasons given above for claim 14, Applicants assert that such a claim is patentable in view of the cited art of record. Applicants also assert that claim 15 is patentable, as such a claim depends on allowable claim 13.

Conclusion

In view of the foregoing, Applicant respectfully requests that the rejections of the claims set forth in the Office Action of December 19, 2006 be withdrawn, that pending claims 4-16 and 25 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

Applicants request a three month extension under 37 C.F.R. 1.136(a) to file this response. Please charge the fee owed for this extension, and any other fees owed in connection with this response to Deposit Account 07-0832.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application is in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Serial No.: 09/712,887
Art Unit: 2155

Customer No. 24498

Respectfully submitted,


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